

### REMARKS

In the Office Action, the Examiner rejected claims 1 – 4. With this Amendment, Applicant has amended claims 1 – 4. The application still includes claims 1 – 4.

### REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1 – 4 under 35 U.S.C. § 102(b) as being anticipated by the Rydbeck patent.

With this Amendment, Applicant has amended the present application to better define the present invention. In particular, Applicant has amended claim 1 to claim the volume control connected directly to the earphone. Support for this amendment can be found in the originally filed specification and drawings.

The Rydbeck patent neither teaches nor suggests the cellular phone system as now claimed in the present application. The Rydbeck patent merely describes a radiotelephone apparatus including a wireless headset. The Examiner states that the Rydbeck patent a volume control and lists various places in the Rydbeck patent where volume control is described. Applicant submits, however, that the volume control of the Rydbeck patent is an electronically programming volume that must be adjusted via programming of the radiotelephone. There is no way to control the volume by simply adjusting the volume on the earphone.

To the contrary, the cellular phone system of the present invention, as claimed, is patentably different than the Rydbeck patent. The present application specifically claims that the volume control connected directly to the earphone. In this manner, the user can easily and simply adjust the volume without having to perform complex programming functions and varying modulation of the radiotelephone. The Rydbeck patent fails to either teach or suggest the volume control connected directly to the earphone as claimed in the present application.

Therefore, since the Rydbeck patent neither teaches nor suggests the cellular phone system as claimed, it is respectfully requested that the rejection of claims 1 – 4 under 35 U.S.C. § 102(b) be withdrawn and that claims 1 – 4 be held allowable.

CONCLUSION

It is believed that the present application is in condition for allowance. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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